IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MICAIAH RAHEEM P/K/A "RAHEEM THE DREAM", Plaintiff, v. SONY MUSIC ENTERTAINMENT, Defendant.	Civil Action No.: 17-cv-822 COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Mr. Micaiah Raheem p/k/a "Raheem the Dream" ("Raheem"), by and through his undersigned attorney, for his complaint against Defendant Sony Music Entertainment ("Defendant" or "Sony"), upon information and belief, hereby alleges the following:

NATURE OF THIS ACTION

1. Raheem brings this action to enforce his exclusive copyright in a musical work. The action arises out of Sony's infringement of Raheem's copyright of the musical work titled "You scared, you scared." Sony's musical work entitled "You Scared, Part 2" derived from Raheem's copyrighted work without securing the necessary licenses, permissions, consents, and authority of Raheem.

JURISDICTION AND VENUE

2. This is an action for copyright infringement to recover damages and for injunctive relief for the injuries sustained by Raheem resulting from Sony's continuous and willful violations of the United States Copyright Act, 17 U.S.C. § 101 *et seq.* (hereinafter, "the Copyright Act").

3. This Court has subject matter jurisdiction over this action pursuant to the Copyright Act, 17 U.S.C. § 101 *et seq.*, 28 U.S.C § 1331, and § 1338(a).

4. This Court has personal jurisdiction over Sony because Sony resides and may be found in this Judicial District and because Sony conducts systemic and continuous business in this District.

5. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C §§ 1391 and/or 1400(a). Upon information and belief, Sony may be found in this district and/or has principal places of business in this district and/or a substantial part of the acts of infringement complained of herein occurs or has occurred in this district.

PARTIES

6. Raheem is a renowned composer, recording artist, and music producer and currently resides in Atlanta, Georgia. Raheem is the original composer and owner of the copyrighted musical work titled "You scared, you scared."

7. Attached hereto as Exhibit 1 is a copy of the certificate of registration for Raheem's copyrighted musical work titled "You scared, you scared," which bears United States copyright registration number Pau002380387.

8. Upon information and belief, Defendant Sony, is a Delaware general partnership with a place of business at 25 Madison Avenue, New York, New York 10010, duly authorized to do and presently doing business in this District. Sony is engaged in the business of production, manufacture, and distribution of musical recordings in the Southern District of New York and throughout the world.

BACKGROUND

9. Raheem is a legendary hip-hop artist and producer. He started his career in the 1980's in Atlanta, Georgia and is a luminary of Southern Hip Hop. He has recorded and produced 12 of his own albums and managed and produced several other rap and hip-hop artists. Raheem has also won many awards and commendations for his contributions to American music, the City of Atlanta, and Hip Hop in general.

10. Raheem has composed numerous musical works, several of which he has received copyright protection for from the United States Copyright Office. In addition to recording his own songs, Raheem's songs have been recorded by artists such as Fergie, Migos, and Rico Love. Raheem derives a substantial portion of his income from the sale, distribution, and licensing of his copyrighted musical works.

11. Raheem's awards and other professional accomplishments include the CORE DJ's JMJ Lifetime Achievement Award, Atlanta Hip Hop Pioneers' Award, Atlanta Mayoral Phoenix Award, and Raheem The Dream Day in Atlanta.

12. In or about 1998 Raheem composed the musical work "You scared, you scared," (the "Protected Work").

13. Raheem's Protected Work consists of music, lyrics, and arrangements including the use, editing, and selection of pre-existing sound recordings. The musical and lyrical composition, together with the arrangement, selection and editing of pre-existing sound recordings are wholly original to Raheem. Raheem's work is copyrightable subject matter under the laws of the United States.

14. Raheem registered the Protected Work with the United States Copyright Office and was granted a copyright on January 26, 1999.

15. In or around 1999, Raheem recorded the Protected Work, which was embodied as a track on the album, *Can't Get No Tighter*, which was released and distributed by Tight 2 Def Records.

16. Raheem performed the Protected Work at various venues throughout the states of Georgia, Alabama, South Carolina, Texas and Tennessee between 1999 and 2016.

17. The Protected Work was re-released on iTunes in 2013 by Tight 2 Def Music as a track on Raheem's *All Time Greatest Hits!* album and distributed via digital distribution over the Internet by iTunes, Amazon.com, and Spotify.

18. Upon information and belief, in or around 2003, the hip hop group Three 6 Mafia recorded the album *Da Unbreakables* under the direction of Sony. "You Scared, Part 2" is a track on the *Da Unbreakables* album.

19. Upon information and belief, Sony holds the copyrights for three versions of the *Da Unbreakables* album sound recording, which were registered with the Untied States Copyright Office in or around 2003 and 2004 (Reg. Nos. SR00003346715, SR0000334532, SR0000334531). The "You Scared, Part 2" track is identified as track of each of the registered *Da Unbreakables* sound recordings.

20. Upon information and belief, Sony was involved in the creation and is involved in the marketing, manufacture, and duplication of the *Da Unbreakables* sound recordings, which includes the "You Scared, Part 2" track.

21. Upon information and belief, Sony distributes the *Da Unbreakables* sound recordings, which includes the "You Scared, Part 2" track via digital distribution over the Internet via a number of digital music retailers and music services, including, but not limited to iTunes, Amazon.com, and Spotify.

22. Parts of "You Scared, Part 2" sound almost identical to substantial and original portions of the Protected Work.

23. Sony copied the "hook" from Raheem's Protected Work which consists of a repetition of a call and response chant of the words "You scared" and "What." These lyrics are repeated in Raheem's Protected work no less than twenty four (24) times, most prominently as the chorus running throughout the song.

24. A hook is a musical or lyrical phrase that stands out and is easily remembered. The hook is the foundation of commercial songwriting, particularly hit-single writing.

25. "You Scared, Part 2" also features rappers who sound similar to Raheem in order to invoke his musical sound and style and to create the impression of and connection to Raheem's Protected Work.

26. Any reasonable observer, when comparing the Protected Work and "You Scared, Part 2," must conclude that—at the very least—significant portions of the songs are nearly identical.

27. In order to write and record "You Scared, Part 2," and ultimately to produce, distribute and otherwise exploit "You Scared, Part 2," Sony boldly copied the Protected Work, to which it had prior access, resulting in a composition and song in "You Scared, Part 2" which is so similar to the Protected Work that the any reasonable observer easily determines that the songs sound the same in their essential compositional and other elements.

28. "You Scared, Part 2" and the Protected Work contain essential compositional elements so similar as to evidence the conscious copying of one in pursuit of the creation of the other. Resulting from this unlawful copying are two songs so similar that any

reasonable observer can only conclude that "You Scared, Part 2" would not exist but for the copying of the Protected Work.

29. Upon information and belief, Sony's "You Scared, Part 2" derived from Raheem's Protected Work without securing the necessary licenses, permissions, consents, and authority of Raheem.

30. Upon information and belief, Sony's conduct was undertaken purposefully, willfully, knowingly and maliciously to the exclusion of, and without regard to the inevitable damage certain to result to Raheem's Protected Work.

31. Upon information and belief, Sony has been reproducing, distributing, and performing the derivative work "You Scared, Part 2", without the permission, license, or consent of Raheem via iTunes, Amazon.com, and Spotify, resulting in substantial revenue for Sony.

32. Upon information and belief, customers and subscribers of iTunes, Amazon.com, and Spotify further reproduced, distributed, adapted, displayed and/or publicly performed "You Scared, Part 2."

COUNT I - COPYRIGHT INFRINGEMENT

33. Raheem repeats and re-alleges the allegations of paragraphs 1 through 32 as if fully set forth herein.

34. Raheem is the copyright owner of the musical work titled "You scared, you scared," which is properly registered with the United States Copyright Office.

35. By producing, transmitting, and distributing "You Scared, Part 2," Sony has reproduced, prepared derivative works based upon, publicly performed, and distributed copies of substantial portions of the Protected Work or derivative works thereof, without Raheem's permission or authorization. Sony continues to do so.

36. Sony's conduct constituted, and continues to constitute, infringement upon Plaintiff's exclusive rights to reproduce, prepare derivative works based upon, publicly perform, and distribute the Protected Work, all in violation of 17 U.S.C. §§ 106 and 501.

37. By Sony's participation in, and contribution to, the distribution of "You Scared, Part 2" in the United States, Sony knowingly and willfully infringed, authorized others to infringe, and will continue to infringe Raheem's copyright in the musical work "You scared, you scared."

38. As a result of Sony's infringement, Raheem has been damaged in an amount yet to be ascertained.

39. As a result of Sony's infringement, Raheem has been irreparably harmed and, absent a permanent injunction restraining and enjoining Sony's actions, such irreparable harm will continue.

40. As a result of Sony's infringement, Raheem is entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504(c), including the increased damages for willful infringement. Alternatively, upon Raheem's election, Raheem shall be entitled to his actual damages plus Sony's profits from infringement, as will be proven at trial.

41. Raheem is further entitled to its attorney's fees and full costs pursuant to 17 U.S.C. § 505.

COUNT II – CONTRIBUTORY COPYRIGHT INFRINGEMENT

42. Raheem repeats and re-alleges the allegations of paragraphs 1 through 41 as if fully set forth herein.

43. Sony, without authorization, individually and in concert with other persons and entities, encouraged, induced, and/or materially contributed to, the infringement of Raheem's copyright in the musical work "You scared, you scared" in that: (a) Sony distributed and/or exploited the "You Scared, Part 2" in the United States, and (b) Sony provided agreements for distribution of "You Scared, Part 2" in the United States.

44. Sony distributed "You Scared, Part 2" via iTunes, Amazon.com, and Spotify to customers and subscribers, who it knew would further reproduce, distribute, adapt, display and/or publicly perform "You Scared, Part 2" in further infringement of Raheem's copyright in the musical work "You scared, you scared." Sony authorized the infringements, had knowledge of such infringing activity, and induced, caused, or material contributed to such activity.

45. Sony's acts complained of herein constitute contributory copyright infringement of Raheem's copyright in the musical work "You scared, you scared."

46. Sony's acts of infringement have been willful, intentional, purposeful, in disregard of and indifference to Raheem's rights.

47. As a direct and proximate result of Sony's infringement, Raheem is entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504(c), including the increased damages for willful infringement. Alternatively, upon Raheem's election, Raheem shall be entitled to his actual damages plus Sony's profits from infringement, as will be proven at trial.

48. Raheem is further entitled to its attorney's fees and full costs pursuant to 17 U.S.C. § 505.

COUNT III – VICARIOUS COPYRIGHT INFRINGEMENT

49. Raheem repeats and re-alleges the allegations of paragraphs 1 through 48 as if fully set forth herein.

50. Sony right, authority, and the ability to control or supervise the distribution of "You Scared, Part 2" via iTunes, Amazon.com, and Spotify to customers and subscribers, who in turn illegally reproduced, distributed, adapted, displayed and/or publicly performed "You Scared, Part 2" without authorization.

51. Sony had knowledge of Raheem's rights and interest in the musical work "You scared, you scared."

52. Sony obtained a direct financial interest, financial advantage, and/or economic consideration from the infringement in the United States as a result of the above referenced infringements.

53. Sony's acts complained of herein constitute vicarious copyright infringement of Raheem's copyright in the musical work "You scared, you scared."

54. Sony's acts of infringement have been willful, intentional, purposeful, in disregard of and indifference to Raheem's rights.

55. As a direct and proximate result of Sony's infringement, Raheem is entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504(c), including the increased damages for willful infringement. Alternatively, upon Raheem's election, Raheem shall be entitled to his actual damages plus Sony's profits from infringement, as will be proven at trial.

56. Raheem is further entitled to its attorney's fees and full costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE Raheem demands judgment:

a) That Sony be held to have infringed Raheem's copyrights.

b) That Sony be held to have willfully infringed Raheem's copyrights.

c) That Sony be restrained and enjoined from infringing Raheem's copyrights in any manner, including but not limited to distributing or otherwise making available for download "You Scared, Part 2."

d) That Sony be ordered to pay Raheem the maximum statutory damages, or, in the alternative, Raheem's monetary damages and any additional profits of Sony attributable to Sony's infringement.

e) That Sony be ordered to pay Raheem's attorneys fees and costs of the action.

f) That Sony be ordered to pay pre-judgment interest.

g) That Raheem be awarded such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMAND

Raheem hereby demands trial by jury on each issue that may properly be tried before a jury.

Date: February 2, 2017

Respectfully submitted,

__/s/ Peter Scoolidge__________________

Peter J. Scoolidge (PS7107)
SCOOLIDGE KLEIMAN LLP
315 W. 36th Street
New York, NY 10018
Tel: (212) 913-9455
Fax: (866) 344-5070
peter@scoolidgellp.com

Attorney for Plaintiff